

**REMARKS**

Claims 1 - 4, 6 - 9 and 11 -14 are pending in the instant matter. Claims 1 - 4, 6 - 9 and 11 -14 stand rejected. Claims 1 - 4, 6 - 9 and 11 -14 have been cancelled, claim 13 has been amended, and claims 13 and 14 are each believed to recite allowable subject matter. Notice to that effect is hereby earnestly solicited. Attempts to do this with the Examiner by way of telephone conference are ongoing.

The Examiner's availability to discuss the instant matter, and helpful and productive comments are appreciated. To those ends, applicants' undersigned representative invites any constructive dialogue at 949.732.6507 if any progress is possible, as this matter was granted "Special" status on the basis of actual manufacture, and assignee awaits the issuance of the instant matter, as discussed in said Petition to protect its significant investment in this technology and current market launch.

**Claim Rejections - 35 U.S.C. Section 112**

Claims 13 and 14 were rejected as non-enabled, as the Examiner has taken the position that the specification does not provide enablement for **how over pressurization is prevented within the self-contained fluid reservoir acting as a fail safe safety mechanism.**

To recognize the Examiner's argument the following change is made to claim 13:

**Claim 13 (Currently Amended):** A pumping system for medical device usage having a hydraulic connection comprising, in combination:

- a source of fluid for selective pressurization,
- handle means for supporting said source of fluid

a mechanism for applying pressure to said fluid, said mechanism comprises,

trigger means mounted to said handle means for selectively applying pressure to said fluid in said source of fluid,

a conduit for selectively carrying said fluid from said source when said fluid is pressurized, and

a container of a viscous material connected to said conduit to receive pressurized fluid from said conduit to selectively force said viscous material from said container;

whereby automatic purging of air provides an effective incompressible working fluid *preventing over pressurization within the self contained fluid reservoir.*

It is respectfully proposed that this overcomes the Examiner's rejection, for both this claim, and the 14<sup>th</sup> claim, which depends from it. Claim 14 reads:

**Claim 14 (original):** The system recited in claim 13 including, housing means formed with said handle means valve means mounted in said housing means for controlling the movement of said fluid from said source of fluid through said conduit, and connector means for connecting said conduit to said container.

Applicants have cancelled the remaining claims to advance prosecution, proposing to address the Examiner's concerns in a Request for Continued Examination to resolve this issue.

#### **Claim Rejections - 35 U.S.C. Section 102**

Claims 1 - 4, 6, 9, 11 and 12 stand rejected as anticipated US 6,575,331 to Peeler et al. These claims have been cancelled to advance prosecution, and it is respectfully proposed that this moots the rejections.

**Claim Rejections - 35 U.S.C. Section 103**

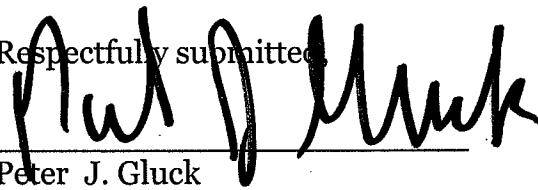
The Examiner rejects claims 7 and 8 as being unpatentable over US 6,575,331 to Peeler et al. in view of US 2003/0216692 A2 to Fago et al. These claims have been cancelled to advance prosecution, and it is respectfully proposed that this moots the rejections.

Claims 13 and 14 now stand allowable, as applicant has responded directly to the Examiner's position regarding the same, likewise - as recited, applicant has entered in actual manufacture on the basis of the granting of a Petition to Make Special, and is willing to continue the disagreed-upon claims in an RCE. Accordingly, all issues being addressed, a Notice of Allowance is respectfully requested

Such relief is hereby earnestly solicited, and any fees required may be debited from deposit account number 50,2638.

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Respectfully submitted,

  
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**[MARKED-UP VERSION OF] AMENDMENTS TO THE CLAIMS**

## Claim

**Claim 13 (Amended):** A pumping system for medical device usage having a hydraulic connection comprising

a source of fluid for selective pressurization,  
handle means for supporting said source of fluid  
a mechanism for applying pressure to said fluid, said mechanism  
comprises,

trigger means mounted to said handle means for selectively applying  
pressure to said fluid in said source of fluid,

a conduit for selectively carrying said fluid from said source when said  
fluid is pressurized, and

a container of a viscous material connected to said conduit to receive  
pressurized fluid from said conduit to selectively force said viscous material from said  
container;

whereby automatic purging of air provides an effective incompressible  
working fluid. preventing over pressurization within the self-contained fluid reservoir  
acting as a fail-safe safety mechanism.

**Claim 14 (original):** The system recited in claim 13 including housing means formed  
with said handle means valve means mounted in said housing means for controlling the  
movement of said fluid from said source of fluid through said conduit, and connector  
means for connecting said conduit to said container.